

## REMARKS

The office action dated November 2, 2005 (the "Office Action") has been received and carefully noted. Claims 1-19 were examined. Claims 1, 2 and 12 were rejected. Claims 3-11 were objected to. Claims 13-19 were allowed. Claims 1, 3 and 6 are amended. Claims 1-19 remain in the application.

Claims 1, 2 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,299,230 to Kubota ("Kubota") in view of U.S. Patent Nos. 4,191,193 to Seo ("Seo") and 6,706,016 to Cory et al. ("Cory"). In order to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. MPEP 2142. Applicant respectfully submits that a *prima facie* case of obviousness has not established.

More particularly, none of the cited references in combination teach or suggest all of the claim limitations of Applicant's invention. Independent claim 1 includes the limitation of "a device coupled to the needle, the device comprising a conductive component slidably movable from a first position to a second position in response to a resistive force, wherein a movement corresponds to a depth of tissue penetration." In contrast, Kubota discloses a stabbing apparatus with a pressure sensor 4, pressure sensor elements 8 or 9, and/or a pressure sensor device 10 *embedded* in the stabbing apparatus body 1. Col. 2, lns. 1-50. Additionally, Seo discloses a catheter having a transducer which comprises an organic high polymer filmlike piezoelectric element or elements. Col. 1, lns. 5-7. The piezoelectric elements can be *mounted* on the catheter head and on the catheter side wall. Col. 1, lns. 17-18. Thus, the pressure sensing mechanisms described in the cited references appear to be stationary. That is, the pressure-sensing devices in the cited references do not appear to employ mechanical movement such as that described in independent claim 1. Moreover, Applicant can find no indication in the specification or the claims that the use of pressure transducers or pressure sensors having a conductive component adapted to move in response to a resistive force or pressure is described in Seo. Accordingly,

Applicant respectfully submits that independent claim 1 and dependent claims 2 and 12 are patentably allowable.

Claims 3-11 are objected to as being dependent upon a rejected base claim. The Examiner has stated that the claims 3-11 would be allowable if written in independent form including all of the limitations of the base claim and intervening claim. An appropriate amendment has been made and Applicant respectfully submits that claims 3-11 are patentably allowable.


### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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